

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

|                                       |   |                      |
|---------------------------------------|---|----------------------|
| <b>AMERICAN VIDEO GRAPHICS, L.P.,</b> | § |                      |
|                                       | § |                      |
| <b>Plaintiff,</b>                     | § | <b>CIVIL ACTION</b>  |
|                                       | § |                      |
| <b>vs.</b>                            | § | <b>6:04cv398 LED</b> |
|                                       | § |                      |
| <b>ELECTRONIC ARTS, INC., et al.,</b> | § | <b>JURY TRIAL</b>    |
|                                       | § |                      |
| <b>Defendants.</b>                    | § |                      |

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Plaintiff American Video Graphics, L.P. (“AVG”) and Defendant Microsoft Corporation (“Microsoft”), collectively, the “Settling Parties,” hereby inform the Court that they have settled their respective claims for relief asserted against each other in this case. Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the settlement reached between the Settling Parties, AVG and Microsoft stipulate and agree that all claims, counterclaims and other causes of action that each has brought against the other be dismissed with prejudice, with each party bearing its own expenses, costs of court, and attorneys’ fees.

DATED: January 9, 2006

Respectfully submitted,

**McKOOL SMITH, P.C.**

/s/ Sam Baxter

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(by Sam Baxter with permission)

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this notice was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by U.S. mail, on this the 9th day of January, 2006.

/s/ Sam Baxter  
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